

REMARKS

Claims 9-18 and 21-24 are currently pending in the present application. Reexamination and reconsideration of the application are respectfully requested.

DOUBLE PATENTING

Claims 9-18 and 21-24 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5, 7, 8, 19-31 of copending Application No. 09/739,531, now allowed, for the reasons set on pages 2-3 of the Action.

The Action states that although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant application have been fully disclosed in the claims of application No. 09/739,531 except for the optical element being utilized in an optical module, such as an optical receiver, an optical transmitter, or an optical transceiver. Furthermore, the Action states that the prior art teaches utilizing optical elements (e.g., transfer lens) for coupling laser light in modules into fibers. Consequently, the Action states that it would have been obvious, at the time the invention was made to a person having ordinary skill in the art, to adapt the optical element in an optical module such as an optical receiver, an optical transmitter, or an optical transceiver in order to improve the signal to noise ratio in the optical module. The Action further states that the obviousness-type double patenting rejection is provisional since the conflicting claims have not in fact been patented.

It is maintained that claims 9-18 and 21-24 of the current application and claims 1-5, 7, 8 and 19-31 of copending Application No. 09/739,531 are patentably distinct. There are specific differences in the claim language and in the specific elements recited by the claims

that support a finding of patentable distinction. For example, it is respectfully submitted that the language "optical module" as set forth in the preamble of claim 9 and "optical element" as set forth in the body of claim 9 should be given patentable weight.

However, in the interest of expediting prosecution of the case, a terminal disclaimer responsive to the provisional double-patenting rejection is enclosed herewith. Accordingly, withdrawal of the provisional double patenting rejection is respectfully requested, and allowance of the case is also respectfully requested.

Conclusion

For all the reasons advanced above, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the pending claims are requested, and allowance is earnestly solicited at an early date. The Examiner is invited to telephone the undersigned if the Examiner has any suggestions, thoughts or comments, which might expedite the prosecution of this case.

Respectfully submitted,



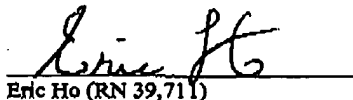
Eric Ho, Reg. No. 39,711
Attorney for Applicant

Law Offices of Eric Ho
20601 Bergamo Way
Northridge, CA 91326

Tel: (818) 998-7220
Fax: (818) 998-7242

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I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office (both to Examiner Assaf's personal number @ 1-571-273-2307 and to Art Unit 2872 Central Number @ 1-703-872-9306) on the date shown below.


Eric Ho (RN 39,711)

Oct. 8, 2004
(Date)